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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,909	04/20/2004	Nobuhiro Gunji	MIPEP088	5657
25920 7590 05/30/2008 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2144				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/828,909

Applicant(s)

GUNJI, NOBUHIRO

Examiner

Joiya M. Cloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-824)
Paper No(s)/Mail Date 01/26/2005, 03/22/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed on 08/25/2004. Claims 1-19 represent Service Device and method for spontaneously providing status notification.

Priority

2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English applications JP 2003-119494 and JP 2004-69957.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-7, 15-16, and 18-19** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-7, specifically exemplary independent claim 1, the claims are drawn towards a service device that may be software only, a program or software per se is non-statutory. Claims depending from claim 1 is rejected using the same rationale.

As per claims 15-16, claims 15-16 are drawn towards a client that issues a service request to a service device. The above claims may be directed towards a program only, a program per se, not embodied on a computer readable storage medium is non-statutory.

As per claims 18-19, claims 18-19 are drawn towards a computer program product that may be a program only, a program per se is not statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatta et al. (U.S. Patent No. US 7,258,498 B2).

As per claim 1, Hatta teaches a service device that sequentially provides a service in response to a service request from a client, the client being connected to the service device via a

network, the service device comprising: a detection module that detects whether or not the service device is capable of providing a service within a preset time period (**Abstract and col. 28, lines 60-67, where the client machines are connected to the printer devices and there is a detection that the printer device providing the service is not capable of the service with the result being an error**); and a notification module that notifies the client of the result of detection regardless of whether or not the service request has been received from the client (**Abstract, wherein the notification is the informing the client machine(s) of printer error, see also col. 29, lines 40-55**).

As per claim 2, Hatta teaches a service device in wherein the notification module notifies the client of the result of detection when a change is detected between a state in which the service device is capable of providing a service within the preset time period and a state in which the service device is incapable of providing a service within the preset time period (**col. 28, lines 60-67**).

As per claim 3, Hatta teaches a service device in accordance with claim 1, wherein the detection module detects whether or not the service device is capable of providing a service in real time (**Abstract, where error occurrences may be “communicated in real time”**).

As per claim 4, Hatta teaches a service device further comprising: a setting module that registers the client as a target of notification, wherein the notification module notifies the registered client of the result of detection (**Abstract**).

As per claim 5, Hatta teaches a service device in further comprising: a reception module that receives information from the client, the information relating to an attribute or type of a

service required by the client, wherein the setting module registers the client if the service device is capable of providing a service of the attribute or type (**col. 29, lines 40-55**).

As per claim 6, Hatta teaches a service device in wherein the setting module is capable of registering a plurality of the clients; the setting module stores a use condition in connection with a specific client of the plurality of clients, the use condition being used for allowing the specific client to use the service device preferentially; and when the use condition satisfied, the notification module further notifies the specific client of the satisfaction of the use condition (**col. 30, lines 36-55**).

As per claim 7, Hatta teaches a service device in wherein when the use condition satisfied, the notification module further notifies a client other than the specific client that the service device became incapable of providing a service (**col. 30, lines 56-67**).

As per claims 8-14, claims 8-14 are substantially the same as claims 1-7, but in method rather than device form. Therefore, the rejection of claims 1-7 applies equally as well to claims 8-14.

As per claim 15, Hatta teaches a client that issues a service request to a service device via a network, the service device sequentially providing a service, the client comprising: a receive module that receives a result of detection from the service device regardless of whether or not the service request has been issued to the service device, the result of detection relating to whether or not the service device is capable of providing a service within a preset time period; and an acquaint module that acquaints a user of the client with the result of detection regardless

of whether or not the service request has been issued to the service device a set of structured data according to the hierarchy of the linked internet pages (**Abstract, col. 28, lines 60-67**).

As per claim 16, Hatta teaches a client further comprising: a transmit module that transmits registration information to the service device, the registration information being used for registering the client at the service device, so that the client receives the result of detection from the service device (**col. 34, lines 33-43**).

As per claim 17, Hatta teaches a method in a service system including a service device that sequentially provides a service and a client that issues a service request to the service device via a network, for acquainting a user of the client with information regarding the service device, the method comprising the steps of (a) the service device detecting whether or not the service device is capable of providing a service within a preset time period (**col. 28, lines 60-67**); (b) the service device notifying the client of the result of detection, regardless of whether or not the service request has been issued from the client to the service device (**col. 29, lines 40-55**); and (c) the client acquainting the user with the result of detection, regardless of whether or not the service request has been issued from the client to the service device (**Figure 11, col. 30, lines 59-67**).

As per claim 18, claims 18 is substantially the same as claim 1, but in computer program product form rather than device form. Therefore, the rejection for claim 1 applies equally as well to claim 18.

As per claim 19, Hatta teaches a computer program product for causing a client to receive information from a service device, the client issuing a service request to the service

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device via a network, the service device sequentially providing a service, the computer program product comprising: a computer readable recording medium; and a computer program stored on the computer readable recording medium, the computer program causing the client to attain the functions of receiving a result of detection from the service device regardless of whether or not the service request has been issued to the service device, the result of detection relating to whether or not the service device is capable of providing a service within a preset time period; and acquainting a user of the client with the result of detection, regardless of whether or not the service request has been issued to the service device (**col. 28, lines 60-67 and col. 29, lines 40-55**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner

April 29, 2008